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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,473	02/18/2004	Lee Begeja	2002-0464	4873

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EXAMINER
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APPIAH, CHARLES NANA

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/782,473

Applicant(s)

BEGEJA ET AL.

Examiner

Charles N. Appiah

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8-15, 17-26, 28-29, 32-37, 39, 40 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by **Ayoub et al. (6,477,363)**.

Regarding claims 1 and 10, Ayoub discloses a mobile communications device (1) and a wireless network node comprising: means (GPS 12) for determining mobile communications device location (GPS module calculating the position of the mobile telephone resulting in a data item for longitude and latitude, see col. 4, lines 7-15), means for linking metadata representing mobile communications device location to audio stream data sent from that mobile communications device for a wireless communications call (position being translated into audio tones and transmitted through voice channel of the telephone when the communication between the mobile phone and the authority is established, see col. 4, lines 20-35).

Regarding claims 2 and 11, Ayoub further discloses wherein the means for determining comprises a processing technique selected from the group consisting of GPS location determination, wireless network signal triangulation location determination, and serving cell identification determination (GPS module calculating the

position of the mobile telephone resulting in a data item for longitude and latitude, see col. 4, lines 7-15, lines 48-57).

Regarding claims 3 and 12, Ayoub further discloses wherein the means for linking includes the metadata as in-band information along with the audio stream data (stream of tones being (tones being sent via the voice channel, see col. 4, lines 30-31).

Regarding claims 4 and 13, Ayoub further discloses wherein the means for linking includes the metadata as out-of-band information along with the audio stream data (\*tones being sent through the control channel during the setup of the call connection, see col. 4, lines 33-35).

Regarding claims 5 and 14, Ayoub further discloses wherein the means for linking operates in a repetitive and periodic manner during the course of the wireless communications call to link metadata representing the determined mobile communications device location to the audio stream data (controller in the cellular telephone sending updated position at the constant interval while the emergency call is in progress as the caller is communicating with the authority, see col. 4, lines 44-47).

Regarding claims 6 and 15, Ayoub further discloses wherein the determined location is an identification of a cell currently serving the mobile communications device and the means for linking operates to link in response to detected changes in the currently serving cell (using cellular triangulation or method using position data obtained from the cell towers the cellular telephone is communicating with as well as sending updated position at constant interval while the emergency call is in progress, see col. 3, lines 30-36, col. 4, line 44-57).

Regarding claim 8, Ayoub further discloses wherein the metadata includes a time stamp in addition to the determined location (position data being stored in a controller together with a time stamp representing the time of position acquisition, see col. 4, lines 12-15).

Regarding claims 9 and 18, Ayoub's teaching of a DID number which corresponds to a location (see col. 3, lines 14-18), reads on wherein the metadata includes call related data selected from the group consisting of a call record, called/calling party, and billing identification in addition to the determined location.

Regarding claims 17, 28 and 40, Ayoub further discloses wherein the metadata includes a time stamp in addition to the determined location (position data being stored in a controller together with a time stamp representing the time of position acquisition, see col. 4, lines 12-15).

Regarding claims 19 and 32, Ayoub discloses a communications network (see Fig. 1), comprising: a mobile communications device (1), a communications terminal (3), wherein the communications device and communications terminal are connected to a call, which includes audio stream data (communication between the mobile phone and the emergency authority being established, see col. 4, lines 15-35), means for determining location of the mobile communications device (GPS module calculating the position of the mobile telephone resulting in a data item for longitude and latitude, see col. 4, lines 7-15), means for linking metadata representing mobile communications device location to audio stream data sent from that mobile communications device for a wireless communications call (position being translated into audio tones and

transmitted through voice channel of the telephone when the communication between the mobile phone and the authority is established, see col. 4, lines 20-35), and means at the communications terminal for extracting the metadata from the audio stream and presenting the location of the mobile communications device (receiving equipment in the authority having a modem and tone detector which extracts the DTMF tones and translates them back into digits representing the position of the cellular telephone, see col. 4, lines 36-42).

Regarding claim 20, Ayoub further discloses wherein the means for determining (GPS module calculating the position of the mobile telephone resulting in a data item for longitude and latitude, see col. 4, lines 7-15), and means for linking are located within the mobile communication device (position being translated into audio tones and transmitted through voice channel of the telephone when the communication between the mobile phone and the authority is established, see col. 4, lines 20-35).

Regarding claim 21, Ayoub further discloses wherein the means for determining and means for linking are located within a network node of the communications network (see col. 4, lines 7-35).

Regarding claims 22 and 33 Ayoub further discloses wherein the means for determining comprises a processing technique selected from the group consisting of GPS location determination, wireless network signal triangulation location determination, and serving cell identification determination (GPS module calculating the position of the mobile telephone resulting in a data item for longitude and latitude, see col. 4, lines 7-15, lines 48-57).

Regarding claims 23 and 34, Ayoub further discloses wherein the means for linking includes the metadata as in-band information along with the audio stream data (stream of tones being (tones being sent via the voice channel, see col. 4, lines 30-31).

Regarding claims 24 and 35, Ayoub further discloses wherein the means for linking includes the metadata as out-of-band information along with the audio stream data (\*tones being sent through the control channel during the setup of the call connection, see col. 4, lines 33-35).

Regarding claims 25 and 36, Ayoub further discloses wherein the means for linking operates in a repetitive and periodic manner during the course of the wireless communications call to link metadata representing the determined mobile communications device location to the audio stream data (controller in the cellular telephone sending updated position at the constant interval while the emergency call is in progress as the caller is communicating with the authority, see col. 4, lines 44-47).

Regarding claims 26 and 37, Ayoub further discloses wherein the determined location is an identification of a cell currently serving the mobile communications device and the means for linking operates to link in response to detected changes in the currently serving cell (using cellular triangulation or method using position data obtained from the cell towers the cellular telephone is communicating with as well as sending updated position at constant interval while the emergency call is in progress, see col. 3, lines 30-36, col. 4, line 44-57).

Regarding claims 29 and 41, Ayoub's teaching of a DID number which corresponds to a location (see col. 3, lines 14-18), reads on wherein the metadata

includes call related data selected from the group consisting of a call record, called/calling party, and billing identification in addition to the determined location.

Regarding claim 39, Ayoub further discloses including extracting the metadata from the audio stream data, (receiving equipment in the authority having a modem and tone detector which extracts the DTMF tones and translates them back into digits representing the position of the cellular telephone, see col. 4, lines 36-42), and presenting the location of the mobile communications device (location of caller as generated from mapping information being displayed on a computer screen together with the mapping information, see col. 4, lines 58-67).

3. Claims 1, 10, 19 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by **Truesdale et al. (US 2005/0169248)**.

Regarding claims 1, 10, 19 and 32 Truesdale discloses (see Figs. 1-5), a mobile communications device (access devices 12), and a wireless network node (14, 22, 24), a communications network (20) and a method, comprising: means for determining mobile communications device location (location information being provided or stored on the wireless access devices, on a wireless access point, on a network element such as a router on the PBX or call server, on the gateway, see page 3, 0028 and page 5, 0044), means for linking metadata representing mobile communications device location to audio stream data sent from that mobile communications device for a wireless communications call (inclusion of location information in-band over the voice stream, see page 2, 0013-014) and means at the communication terminal for extracting



the metadata from the audio stream data and presenting the location of the mobile communications device see page 5, 0048-0049).

Regarding claim 30, Truesdale further discloses wherein the communications terminal is a surveillance device connected to the call (performance surveillance being included in call server, see pages 3-4, 0033).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 16, 27 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ayoub et al** as applied to claims 1, 10, 20 and 32 above, and further in view of **Williams (6,725,049)**.

Regarding claims 7, 16, 27 and 38 Ayoub fails to specifically disclose means for encrypting the determined mobile communications device location.

In an analogous field of endeavor, Williams discloses a method and system for disseminating global positioning information through a telecommunications network by injecting the global positioning information into telecommunications between calling and called parties and wherein the positioning information may form the basis for encryption of messages or conversations between parties (see col. 3, lines 34-42, col. 4, lines 7-54).

It would therefore have been obvious to one of ordinary skill in the art to incorporate Williams' encryption feature into Ayoub's system in order to add a level of security to the provision of location information especially in emergency situations.

6. Claims 30, 31 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ayoub et al** as applied to claims 19 and 42 above, and further in view of **Lemelson et al. (6,054,928)**.

Regarding claims 30, 31 and 42 Ayoub fails to disclose wherein the communications terminal is a surveillance device as well as a recording device connected into and/or to the call for recording the audio stream data and linked metadata.

In an analogous field of endeavor, Lemelson discloses a system and method for tracking and monitoring a prisoner or parolee that includes a monitoring computer that cooperates with a satellite global positioning system to determine a subject's current location which is periodically transmitted to the monitoring station for surveillance (see col. 4, lines 51-64, col. 9, lines 36-64). According to Lemelson and as illustrated in Fig. 5, a voice recorder 132 is provided as part of the control center for recording individual voice messages as well as provide voice response messages to security personnel (see col. 14, lines 17-24) .

It would therefore have been obvious to one of ordinary skill in the art to combine Lemelson's monitoring and tracking system with Ayoub's system in order to ensure the capability of providing voice response messages as well as recording data

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such as audio while providing accurate location information in emergency situations as taught by Lemelson.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kass (5,389,934) discloses a portable locating system. Bruno et al. (6,226,529) discloses a system for providing simultaneous data and voice using a position-enhanced cellular communication service. Grimes (5,388,147) disclose a cellular telecommunication system for providing emergency call location information.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Appiah whose telephone number is 571 272-7904. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CA

  
**CHARLES APPIAH**  
**PRIMARY EXAMINER**